

Application No. 10/762,068

**REMARKS**

The Examiner's continued attention to the present application is noted with appreciation.

In section 2 of the present Office Action of December 1, 2006, the Examiner rejected claims 1-4, 6, 7, 11, 12, and 15 under 35 U.S.C. 103(a) as being unpatentable over Petersen et al. (DE 199447177A1) in view of McNew (U.S. Patent No. 4,986,589). The Examiner states that Petersen et al. disclose a cabinet seat support comprising a base and upstanding sidewalls forming an enclosure and a drawer (4). The rejection is traversed.

Petersen et al. do not describe a cabinet. Both in the claims and in the description, Petersen et al. disclose a storage device (4) that is essentially a platform on tracks and that is provided to afford easy loading of a container that is located under the typically difficult to access leg room area of a vehicle (See Petersen et al., claim 1 and column 1, lines 3-22). The remainder of the description is easily understood even without the benefit of a translation from German. The figures show a sliding platform "storage device" mechanism that Petersen et al. do not characterize as a drawer and which does not form a part of the seating console/seat support (3) (in addition to Figures, see column 2, lines 5-11). The platform "storage device" (4) is attachable to the floor of the cab, but is not attached to seat support (3) so as to allow the placement thereon of various items, including optional container (5) without having to reach under the seat. Container (5) is loadable onto, and sits on, "storage device" (4) (See column 2, lines 17-20 and 25-29). Fig. 5 more clearly shows that "storage device" (4) comprises a carrier frame (4c) onto which container (5) can be loaded (See also, column 2, lines 30-35). Finally, other types of items may be placed on "storage device" (4) including coolers (See column 2, lines 36-42). Therefore, Petersen et al. do not describe a cabinet or a cabinet with a drawer, but rather a sliding storage platform for easy loading under a seat (and particularly a conventional seat support) and which therefore teaches away from the present invention.

The present invention as recited in claim 1 is a cabinet with drawer, the cabinet serving as a seat support. Claim 1 has been amended to recite that it is attached to the cabinet to clarify that the drawer forms a part of the cabinet as has always been described and claimed given that a true cabinet drawer is connected to the cabinet of which it is a part (the file compartment limitation has been removed to broaden

Application No. 10/762,068

the claim as such limitation is implied in claim 15). Therefore, no new substantive feature has been added, and Applicant submits that a new search is not required.

Again, Petersen et al. disclose a device that teaches away from the present invention, and such features are discernible from the figures even without benefit of a translation. Whereas the present invention comprises a cabinet with drawer that functions as a seat support (i.e., replaces a conventional seat support/console), Petersen et al. describe a slidable platform that is disposed under a seat and upon which other items, including suitcase-like cases and boxes, can be placed and pushed under a seat using the sliding means of the platform. The platform does not replace the seating console.

Therefore claim 1 is believed to be patentable. Claims 2-4, 6, 7, 11, 12, and 15 are dependent on claim 1 and so are also believed to be patentable.

In section 3 of the Office Action, the Examiner rejected claim 5 under 35 U.S.C. 103(a) as being unpatentable over Petersen et al. in view of McNew and further in view of Pearse et al. (U.S. Patent No. 6,448,327). That rejection is traversed. Claim 5 recites a compartment on a door face of the drawer. Petersen et al. do not describe a drawer and certainly not one with a door. The platform of Petersen et al. has no door. Therefore, there is no drawer in Petersen et al. to combine with McNew and Pearse et al. Therefore, claim 5 is believed to be patentable.

In section 4 of the Office Action, the Examiner rejected claims 8-10 under 35 U.S.C. 103(a) as being unpatentable over Petersen et al. in view of McNew and further in view of Hofmann et al. That rejection is traversed. For the reasons stated above, Petersen et al. do not disclose the present invention. Therefore, combining Hofmann et al. would not lead to the present invention.

In section 5 of the Office Action, the Examiner rejected claims 12, 13, 14, and 16-20 under 35 U.S.C. 103(a) as being unpatentable over Petersen et al. in view of McNew and further in view of Carico (U.S. Patent No. 5,895,086). That rejection is traversed. For the reasons stated above, Petersen et al. do not disclose the present invention. Combining the other references with Peterson et al. does not render the rejected claims obvious.

Further, the Examiner does not discuss what vehicle conditions cause operation of a lock in Carico. The Examiner refers to the desirability of having such control for safety and theft protection, but the stated desirability of such a function does not constitute prior art. The Examiner has not cited to any

Application No. 10/762,068

prior art providing for such control. As Applicant stated previously, the storage compartment of Carico is located outside the driver/passenger compartment. The limitation as to being able to open the storage compartment unless the vehicle is not moving is so apparent that there is no need to add any system to ensure that a driver will not exit the vehicle to open the storage compartment.

Claims 13, 14, and 16 recite a vehicle component that sends a signal to a locking component with the locking component being engageable in response to the signal. Carico does not provide such a signaling component. The present invention makes use of systems or components for ensuring this security feature. For example, in vehicles equipped with air brake systems and the vehicle is stopped (i.e., the brakes applied), air pressure changes which, if linked to the locking component, can signal that the vehicle is stopped, thereby making it safe to open the drawer. The prior art does not disclose the advantageous use of such braking systems to signal the safe use of the drawer.

Claim 12 is dependent on claim 1, and so is believed to be patentable. Claims 13 and 14 specifically describe the control of the locking mechanism, which is nonobvious, and the claims are also dependent on claim 1; therefore, claims 13 and 14 are believed to be patentable.

Claims 16-20 also claim with particularity the control features not found in any of the art cited by the Examiner. Therefore, claims 16-20 are believed to be patentable.

Claims 16, 17, and 19 have been amended to add clarifying language regarding the formation of the enclosure, and the amendments are not made in response to the present office action.

Therefore, the only substantive amendment has been to claim 1, and only to clarify the feature inherent in a cabinet drawer (attachment to the cabinet). Therefore, Applicant submits that another search is not required.

In view of the above remarks, it is respectfully submitted that all grounds of rejection and objection have been traversed. It is believed that the case is now in condition for allowance and same is respectfully requested.

Concurrent with this response, Applicant is filing a petition for a one-month extension of time to April 1, 2006 and a request for continued examination with authorization is given to charge payment of any additional fees required, or credit any overpayment, to Deposit Acct. 13-4213.

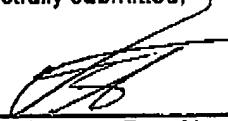
Application No. 10/762,068

If any issues remain, or if the Examiner believes that prosecution of this application might be expedited by discussion of the issues, the Examiner is cordially invited to telephone the undersigned attorney for Applicant at the telephone number listed below.

Respectfully submitted,

Date: March 2, 2006

By:

  
\_\_\_\_\_  
Vidal A. Oaxaca, Reg. No.44,267  
Direct line: (505) 998-1505

PEACOCK MYERS, P.C.  
Attorneys for Applicant(s)  
P.O. Box 26927  
Albuquerque, New Mexico 87125-6927  
Telephone: (505) 998-1500  
Facsimile: (505) 243-2542

**Customer No. 005179**

G:\AMDS\Bradley\_RCE OA Resp\_3-2-06.doc

Page 9 of 9